

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 100**

[Docket No. USCG-2024-0470]

**Special Local Regulations Northern California and Lake Tahoe Area Annual Marine Events; Escape From Alcatraz Swim, San Francisco, CA****AGENCY:** Coast Guard, DHS.**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the special local regulations for the annual Escape From Alcatraz Swim on June 9, 2024, to provide for the safety of life on navigable waterways in the San Francisco Bay during this event. Our regulation for marine events in Northern California identifies the regulated area for this event in San Francisco, CA. During the enforcement period, unauthorized persons or vessels are prohibited from entering, transiting, or loitering in the regulated area, unless authorized by the Captain of the Port San Francisco (COTP) designated Patrol Commander (PATCOM) enforcing the regulated area.

**DATES:** The regulations in 33 CFR 100.1103 will be enforced for the location in Table 1 to § 100.1103, Item number 6 from 7 a.m. to 9 a.m. on June 9, 2024.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call, or email MST1 Shannon Curtaz-Milian, Sector San Francisco Waterways Management, U.S. Coast Guard; telephone (415) 399-7440, email [SFWaterways@uscg.mil](mailto:SFWaterways@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the special local regulations in 33 CFR 100.1103, Table 1 to § 100.1103, Item number 6 for the Escape From Alcatraz Swim regulated area from 7 a.m. to 9 a.m. on June 9, 2024. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within Northern California, § 100.1103, specifies the location of the regulated area for the Escape From Alcatraz Swim which encompasses portions of the San Francisco Bay. During the enforcement period, the regulated area will be in effect in the navigable waters, from surface to bottom, defined by a line drawn from Alcatraz Island to Saint Francis Yacht Club.

During the enforcement period, under the provisions of 33 CFR 100.1103(b), if

you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander (PATCOM) or any other Official Patrol, defined as a Federal, State, or local law enforcement agency on scene to assist the Coast Guard in enforcing the regulated area. The PATCOM or Official Patrol may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners. If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners or other marine broadcast may be used to grant general permission to enter the regulated area.

Dated: June 3, 2024.

**Jordan M. Baldueza,**

*Captain, U.S. Coast Guard, Captain of the Port San Francisco.*

[FR Doc. 2024-12628 Filed 6-6-24; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket Number USCG-2024-0256]

**RIN 1625-AA00****Safety Zone; Ludington Harbor, Ludington, MI****AGENCY:** Coast Guard, Department of Homeland Security (DHS).**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for certain waters of Ludington Harbor in Ludington, MI. This rule is necessary to protect personnel, vessels, and the marine environment from potential hazards associated with a light show by restricting persons and vessels within the safety zone. At no time during the effective period may vessels transit the waters of Ludington Harbor, MI, in the vicinity of a triangular shaped safety zone enclosed by the following three coordinates: 43°57.213 N, 086°28.336 W to 43°57.177 N, 086°27.808 W to 43°57.558 N, 086°27.730 W then back to the starting point. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Lake Michigan.

**DATES:** This rule is effective on June 8, 2024, from 9 p.m. through 11 p.m.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2024-0256 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this rule, call or email Chief Petty Officer Aaron Sunstrom, Sector Lake Michigan Waterways Management Division, U.S. Coast Guard; telephone 414-747-7148, email [Aaron.R.Sunstrom@uscg.mil](mailto:Aaron.R.Sunstrom@uscg.mil).

**SUPPLEMENTARY INFORMATION:****I. Table of Abbreviations**

CFR Code of Federal Regulations  
COTP Captain of the Port Sector Lake Michigan

DHS Department of Homeland Security

FR Federal Register

NPRM Notice of proposed rulemaking

§ Section

U.S.C. United States Code

**II. Background Information and Regulatory History**

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to the public interest. Prompt action is needed to respond to the potential safety hazards associated with the Ludington North Breakwater 100th Anniversary Light Show. Due to the nature of the event, it is impracticable to provide notice to ensure the safety of life and property.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because prompt action is needed to respond to the potential safety hazards associated with the Ludington North Breakwater 100th Anniversary Light Show.

**III. Legal Authority and Need for Rule**

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Lake

Michigan (COTP) has determined that potential hazards associated with Ludington North Breakwater 100th Anniversary Light Show event would be a safety concern for anyone within the safety zone that is not participating in the event. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

#### IV. Discussion of the Rule

This rule establishes a safety zone from 9 p.m. until 11 p.m. on June 8, 2024. The safety zone will cover all navigable waters of Ludington Harbor, MI, in the vicinity of a triangular shaped safety zone enclosed by the following three coordinates: 43°57.213 N, 086°28.336 W to 43°57.177 N, 086°27.808 W to 43°57.558 N, 086°27.730 W then back to the starting point. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the Ludington North Breakwater 100th Anniversary Light Show take place. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

#### V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

##### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, and duration of the safety zone. The safety zone created by this rule will relatively small and is designed to minimize its impact on navigable waters. This rule will prohibit entry into certain navigable waters of Ludington Harbor in Ludington, MI, and it is not anticipated to exceed 2 hours in duration. Thus, restrictions on vessel movement within

that particular area are expected to be minimal. Moreover, under certain conditions vessels may still transit through the safety zone when permitted by the COTP. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone.

##### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

##### C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a temporary safety zone lasting 2 total hours that will prohibit entry within a triangle radius of position 43°57.213 N, 086°28.336 W to 43°57.177 N, 086°27.808 W to 43°57.558 N, 086°27.730 W then back to the starting point in Ludington, MI. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A

Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

- 2. Add § 165.T09–0256 to read as follows:

#### § 165.T09–0256 Safety Zone; Ludington Harbor, Ludington, MI.

(a) *Location.* The following area is a safety zone: All for navigable waters within a triangle radius of position 43°57.213 N, 086°28.336 W to 43°57.177 N, 086°27.808 W to 43°57.558 N, 086°27.730 W then back to the starting point in Ludington, MI.

(b) *Enforcement period.* The safety zone described in paragraph (a) of this section is effective on June 8, 2024, from 9 p.m. through 11 p.m.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan (COTP) or a designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) The “designated representative” of the COTP is any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on his or her behalf.

(4) Persons and vessel operators desiring to enter or operate within the

safety zone during the marine event must contact the COTP or an on-scene representative to obtain permission to do so. The COTP or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or an on-scene representative.

Dated: June 4, 2024.

**Gregory J. Knoll,**

*Commander, U.S. Coast Guard, Acting Captain of the Port Lake Michigan.*

[FR Doc. 2024-12641 Filed 6-6-24; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 261

[EPA–R06–RCRA–2024; FRL–11997–01–R6]

#### Hazardous Waste Management System; Identification and Listing of Hazardous Waste

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; amendment.

**SUMMARY:** The Environmental Protection Agency (EPA) is amending an exclusion for Shell Oil Company, Deer Park, Texas facility to reflect changes in ownership and name.

**DATES:** This rule is effective June 7, 2024.

#### FOR FURTHER INFORMATION CONTACT:

Eshala Dixon, RCRA Permits & Solid Waste Section (LCR–RP), Land, Chemicals and Redevelopment Division, EPA Region 6, 1201 Elm Street, Suite 500, Dallas, TX 75270, phone number: 214–665–6592; email address: [dixon.eshala@epa.gov](mailto:dixon.eshala@epa.gov).

**SUPPLEMENTARY INFORMATION:** In this document EPA is amending appendix IX to part 261 to reflect a change in the ownership and name of a particular facility. This action documents the transfer of ownership and name change by updating appendix IX to incorporate the change in owner's name for the Shell Oil Company, Deer Park, TX facility for the exclusion from hazardous waste regulations for the Multi-source (F039) landfill leachate. The exclusion or “delisting” was granted to Shell Oil Company on August 23, 2005 (see 70 FR 49187). The EPA has been notified that the transfer of ownership of the Shell Oil Company, Deer Park, TX facility to Deer Park Refining Limited Partnership (DPLRP) occurred on March 20, 2022. DPLRP has certified that it plans to

comply with all the terms and conditions set forth in the delisting and will not change the characteristics of the wastes subject to the exclusion at the Deer Park, TX facility. This action documents the change by updating appendix IX to incorporate a change in name.

The changes to appendix IX to part 261 are effective June 7, 2024. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of the Resource Conservation and Recovery Act (RCRA) to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. As described above, the facility has certified that it is prepared to comply with the requirements of the exclusion. Therefore, a six-month delay in the effective date is not necessary in this case. This provides the basis for making this amendment effective immediately upon publication under the Administrative Procedures Act pursuant to 5 United States Code (U.S.C.) 553(d). The EPA has determined that having a proposed rulemaking and public comment on this change is unnecessary, as it involves only a change in company ownership, with all of the same delisting requirements remaining in effect.

#### List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Dated: May 29, 2024.

**Melissa Smith,**

*Acting Director, Land, Chemicals and Redevelopment Division, Region 6.*

For the reasons set out in the preamble, 40 CFR part 261 is amended as follows:

#### PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

- 1. The authority citation for part 261 continues to read as follows:

**Authority:** 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

- 2. Amend table 1 of Appendix IX to part 261 by removing the second entry for “Shell Oil Company” “Deer Park, TX” and adding an entry for “Deer Park Refining Limited Partnership (DPLRP)” in alphabetical order by facility to read as follows:

#### Appendix IX to Part 261—Waste Excluded Under §§ 260.20 and 260.22